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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/757,884	01/14/2004	Mark E. Molander	SJ0920030073US1	5189
29683	7590	02/13/2006	EXAMINER	
HARRINGTON & SMITH, LLP			SPITTLE, MATTHEW D	
4 RESEARCH DRIVE			ART UNIT	
SHELTON, CT 06484-6212			PAPER NUMBER	

2111

DATE MAILED: 02/13/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/757,884

Applicant(s)

MOLANDER ET AL.

Examiner

Matthew D. Spittle

Art Unit

2111

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 31 January 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10 August 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>1/14/2004</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1 – 13, and 15 – 20 are rejected under 35 U.S.C. 102(e) as being anticipated by Arimilli et al

With regard to claim 1, Arimilli et al. describe a computer program embodied in a storage medium for obtaining permission to remove a portable storage device from a host device (interpreted as Element0; column 7, lines 1 – 8), comprising:

Computer program instructions (interpreted as an OS; column 11, lines 12 – 25) initiated in response to a manual input at an actuator (where an actuator may be interpreted as a button; Figure 2, item 225) of a portable storage device (where a portable storage device may be interpreted as Element1) that is coupled to a host device (where a host device may be interpreted as Element0; column 10, line 58 – column 11, line 47).

Said computer program instructions for removing, from a host device list of available storage locations, a computer readable storage medium that is intrinsic to the

Art Unit: 2111

portable storage device (column 11, lines 16 – 22; where Examiner interprets Element 1 as containing a computer readable storage medium since it comprises a memory (Figure 2, item 204)).

With regard to claim 2, Arimilli et al. describe the computer program of claim 1, wherein the computer program instructions comprise an interrupt command directed to an operating system of said host device (column 11, lines 12 – 35; where an interrupt may be interpreted as the service element (Figure 2, item 212) notifying the OS).

With regard to claim 3, Arimilli et al. describe the computer program of claim 1, wherein the storage medium (Figure 2, item 204) in which the computer program is embodied comprises said intrinsic computer readable storage medium of said portable storage device (Examiner interprets an OS as a computer program and being embodied in the memory of the processing element; Figure 2, item 204).

With regard to claim 4, Arimilli et al. describe the computer program of claim 1, wherein said computer program instructions further comprise instructions to control an indication of at least one state of an indicator of said portable storage device, the at least one state selected from the group: normal-inactive, normal-active, error, and ready-to-be-removed (column 11, lines 36 – 47; where normal-active may be interpreted as the Element being fully functional (blue color), normal-inactive may be interpreted as

Art Unit: 2111

the described red color, and ready-to-be-removed may be interpreted as the Element having been taken down and can be physically removed (green color)).

With regard to claim 5, Arimilli et al. describe a portable storage device comprising:

A body (Figure 2, where the body is interpreted as the physical boundary enclosing items 201, 202, 204, 206, 207, 208, 209, 212, 220, and 225);

An intrinsic computer readable storage medium within said body (where a storage medium may be interpreted as a memory; Figure 2, item 204);

A connector for removably coupling to a host device (Figure 2, item 220; where a connector may be interpreted as a "hot plug connector.");

A manual actuator (Figure 2, item 225; column 10, lines 59 – 61; where a manual actuator may be interpreted as a button);

An indicator for indicating, following actuation of said actuator, that said portable storage device may be safely removed from a host device to which it is coupled (where an indicator may be interpreted as an LED; column 11, lines 36 – 47).

With regard to claim 6, Arimilli et al. describe a portable storage device as set forth in claim 5, wherein said manual actuator (interpreted as a button; Figure 2, item 225) is for requesting that a host device (interpreted as Element0; column 11, lines 12 - 16) grant permission to remove said portable storage device, and said indicator (interpreted as an LED; column 11, lines 36 – 47) indicates, in response to said host

Art Unit: 2111

device granting said permission, that said portable storage device may be removed from said host device without loss of data and without corruption of data (column 11, lines 12 – 47).

With regard to claim 7, Arimilli et al. describe a portable storage device as set forth in claim 5, wherein said indicator comprises at least one of a visual indicator (interpreted as an LED; column 11, lines 36 – 47), an aural indicator and a tactile indicator.

With regard to claim 8, Arimilli et al. describe the portable storage device of claim 5, further comprising a microcontroller coupled between said actuator and said connector (where a microcontroller may be interpreted as a service element; Figure 2, item 212; column 6, lines 46 – 56).

With regard to claim 9, Arimilli et al. describe the portable storage device of claim 8, wherein said microcontroller transfers a signal toward said connector in response to actuation of manual actuator (column 11, lines 12 – 35 describe the S.E. notifying the OS when the actuator is pressed. Since Element0 was identified in column 7, lines 1 – 8 as the server, Examiner interprets that the S.E. of the portable storage device (Element1) notifies Element0 that Element1 is about to be removed from the system. Examiner interprets that in order for Element0 to get this message from the S.E. of

Art Unit: 2111

Element1, it would have to travel through the HPC (Figure 2, item 220; column 6, lines 61 – 64).

With regard to claim 10, Arimilli et al. describe the portable storage device of claim 9, wherein said signal comprises an interrupt command stored in said intrinsic computer readable storage medium of said portable storage device (column 11, lines 12 – 35; where an interrupt may be interpreted as the service element (Figure 2, item 212) notifying the OS).

With regard to claim 11, Arimilli et al. describe the portable storage device of claim 9 wherein said signal comprises a request to remove said portable storage device from a list of devices available to a host device to which it may be coupled ((column 11, lines 12 – 47).

With regard to claim 12, Arimilli et al. describe the portable storage device of claim 9 wherein said signal comprises a request for an operating system of a host device to execute an interrupt command that may be stored within said host device (column 11, lines 12 – 47; Examiner interprets the OS of a host device (interpreted as Element0) as executing the interrupt command issued by the S.E. of the portable storage device (interpreted as Element1).

With regard to claim 13, Arimilli et al. describe the portable storage device of claim 5, wherein said indicator uniquely indicates at least three states when said portable storage device is coupled to a host device, said three states comprising:

A normal inactive state whereby no transfer of computer instructions is ongoing between said portable storage device and said host device (column 11, lines 36 – 47; Examiner interprets this state to be equivalent to when the element is in the process of being taken down and not yet physically removed (red color)).

A normal active state whereby a transfer of computer instructions is ongoing between said portable storage device and said host device (column 11, lines 36 – 47; Examiner interprets this state as when the element is fully functional and electrically and logically attached (blue color)).

A ready-to-be-removed state whereby, following actuation of said actuator, the portable storage device may be removed from the host device to which it is coupled without loss of corruption of data (column 11, lines 36 – 47; Examiner interprets this state as when the element can be physically removed (green color)).

With regard to claim 15, Arimilli et al. describe a system for transferring a file embodied on a computer storage medium comprising a host device (interpreted as Element0) and a portable storage device (interpreted as Element1; column 7, lines 1 – 8):

Said host device comprising a host storage medium (interpreted as memory; Figure 2, item 204), a host operating system of computer instructions (column 8, lines

Art Unit: 2111

63 – 65 tell of Element0 running an operating system), and a receptacle for receiving a connector (column 6, lines 61 – 64 describe a connection means between Element0 and Element1 using a connector);

Said portable storage device comprising:

A body (Figure 2, where the body is interpreted as the physical boundary enclosing items 201, 202, 204, 206, 207, 208, 209, 212, 220, and 225);

A connector for mating with said receptacle (Figure 2, item 220; where a connector may be interpreted as a “hot plug connector.”);

An intrinsic computer readable storage medium within said body (where a storage medium may be interpreted as a memory; Figure 2, item 204);

A manual actuator for initiating (Figure 2, item 225; column 10, lines 59 – 61; where a manual actuator may be interpreted as a button);

An indicator for indicating, following actuation of said actuator, that said portable storage device may be safely removed from a host device to which it is coupled (where an indicator may be interpreted as an LED; column 11, lines 36 – 47).

With regard to claim 16, Arimilli et al. describe the system of claim 15 wherein said computer program instructions comprise an interrupt command (column 11, lines 12 – 35; where an interrupt may be interpreted as the service element (Figure 2, item 212) notifying the OS).

Art Unit: 2111

With regard to claim 17, Arimilli et al. describe the system of claim 16, wherein said interrupt command is stored in said intrinsic computer readable storage medium of said portable storage device (column 11, lines 12 – 35; where an interrupt may be interpreted as the service element (Figure 2, item 212) notifying the OS).

With regard to claim 18, Arimilli et al. describe a system as set forth in claim 15, wherein said indicator comprises at least one of a visual indicator (interpreted as an LED; column 11, lines 36 – 47), an aural indicator and a tactile indicator.

With regard to claim 19, Arimilli et al. describe a system as set forth in claim 15, wherein said computer instructions comprise a request for permission of the host device to allow removal of the portable device (interpreted as Element1), and the indicator (interpreted as an LED) so indicates upon the host computer (interpreted as Element0) granting said request (column 11, lines 12 – 47).

With regard to claim 20, Arimilli et al. describe a system as set forth in claim 15, wherein a single user action causes said host operating system (interpreted as Element0) to remove said intrinsic computer readable storage medium of said portable storage device (interpreted as Element1) from a list of available storage media, said single user action consisting of actuating said manual actuator (interpreted as a hot-removal button; column 10, lines 49 – 65; column 11, lines 12 – 47).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Arimilli et al.

With regard to claim 14, Arimilli et al. teach the portable storage device of claim 13 wherein said indicator indicates said ready-to-be-removed state, normal inactive state, and normal active state, but fail to teach ready-to-be-removed state by a lack of illumination. Arimilli et al. does teach indicating the ready-to-be-removed state by a green illuminated LED. It would have been obvious to one of ordinary skill in this art at the time of invention by applicant to use a non-illuminated indicator instead of a green

Art Unit: 2111

indicator in the invention of Arimilli et al. since it appears to be an arbitrary design choice that fails to patentably distinguish over Arimilli et al.

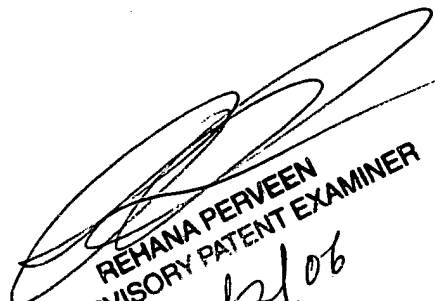
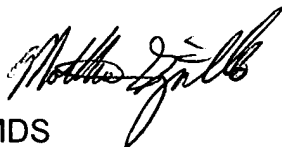
Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Matthew D. Spittle whose telephone number is (571) 272-2467. The examiner can normally be reached on Monday - Friday, 8 - 4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rehana Perveen can be reached on 571-272-3676. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

MDS



REHANA PERVEEN
SUPERVISORY PATENT EXAMINER
2/21/06